

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

TRAVISTENE JONES,

Plaintiff,

VS.

OMAHA HOUSING AUTHORITY,

Defendant.

8:09CV135

ORDER

This matter is before the court on the defendant's Application for the Award of Costs and Fees ([Filing No. 78](#)). The defendant filed an index of evidence ([Filing No. 79](#)) in support of the application. The plaintiff's counsel, Terri Crawford (Crawford), filed an opposition ([Filing No. 80](#)) to the defendant's application.

On May 5, 2010, the court awarded the defendant reasonable costs and attorney's fees for filing a brief and supporting documents in opposition to the plaintiff's motions for reconsideration and a new trial. **See** [Filing No. 77](#). The order provided an opportunity for the parties to confer regarding the amount of the costs and attorney's fees. **Id.** Counsel were unable to reach an agreement. The defendant's application seeks \$3,081. **See** [Filing No. 78](#) p. 3. However, the defendant notes it had offered Crawford a stipulation to resolve the matter for \$2,500. **Id.** at 2. Crawford declined the defendant's offer, but stated she would entertain a more reasonable offer. **See** Filing No. 80 - [May 18, 2010, Letter](#). Crawford argues the amount sought by the defendant is excessive under the circumstances, particularly because the documents at issue did not involve any novel, complex, labor-intensive, or troublesome issues. **See** Filing No. 80 - [Objection](#) p. 2-3.

The plaintiff's counsel's conduct in this matter has been fully documented in the court's prior orders: granting the defendant's motion for sanctions ([Filing No. 52](#)), denying the plaintiff's motion for extension of time to answer and granting the defendant's motion for summary judgment ([Filing No. 53](#)), denying plaintiff's motion to reconsider the order denying disqualification of defendant's counsel and imposing sanctions ([Filing No. 72](#)), and denying the plaintiff's motion for a new trial ([Filing No. 73](#)), and will not be restated herein. For good cause shown, the court granted the defendant's motion for sanctions. **See** [Filing](#)

[No. 74](#). Specifically, the court found Crawford failed to respond to the motion for sanctions, but in filing the motions to reconsider and for a new trial presented pleadings to the court for an improper purpose, not supported by existing law, and with little or no evidentiary support, all in violation of [Fed. R. Civ. P. 11\(b\)](#).

Because the court found sanctions are, again, appropriate in this case, the court now finds the amount sought by the defendant is reasonable. As noted above, the defendant was required to respond to two motions filed by Crawford. The plaintiff's motions for reconsideration and a new trial were baseless without legal or evidentiary support. The motions raised new legal and factual issues to which the defendant was required to respond. Furthermore, had the plaintiff timely responded to previous motions filed by the defendant, the issues raised in the later motions for reconsideration and for a new trial could have been resolved as part of the previous motions. Finally, the court has reviewed the affidavit and billing records filed in support of the defendant's application and finds the amounts are reasonable. Given the elements discussed above, the court finds sanctions in the amount of \$3,081, for time spent responding to the plaintiff's motions for reconsideration and for a new trial, is appropriate. **See** [Fed. R. Civ. P. 11\(c\)\(4\)](#). This monetary sanction will be assessed against the plaintiff's attorney, Terri L. Crawford, only. Accordingly, the defendant's application will be granted in the amount of \$3,081. Upon consideration,

IT IS ORDERED:

1. The defendant, Omaha Housing Authority, is awarded reasonable costs and attorney's fees in the amount of \$3,081 to be paid by the plaintiff's attorney, Terri L. Crawford, for filing the brief ([Filing No. 63](#)) and supporting documents in opposition to the plaintiff's motions for reconsideration and a new trial.

2. Terri L. Crawford shall have forty-five days from the date of this Order to pay the defendant the sum of \$3,081, and file verification of payment with the court.

DATED this 29th day of June, 2010.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge